

REMARKS

Claims 1-28 are pending in this application. Of these pending claims, Claims 1-3 and 13-21, and 28 stand rejected; Claims 23-27 are withdrawn; and Claims 4-12 and 22 stand allowed. By way of this paper, Claims 1 and 21 have been amended.

The foregoing amendments and following remarks are believed to be fully responsive to the outstanding office action, and are believed to place the application in condition for allowance.

Oath/Declaration

The Oath/Declaration is objected to because it does not state that the person making the oath or declaration acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in 37 CFR 1.56 (emphasis added). It states 37 CFR 1.56(a).

A substitute declaration is being filed along with this response in order to overcome the objection to the Declaration described above. It states in the substitute declaration that the person making the oath or declaration acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in 37 CFR 1.56. Accordingly, reconsideration and withdrawal of the objection to the declaration is respectfully requested.

Claim Rejections – 35 U.S.C. § 102

Claim 21 stand rejected under 35 U.S.C. §102(b) as being anticipated by the Paxton ('480) reference.

Claim 21 has been amended to more clearly describe that the moveable plunger includes a plurality of fingers extending therefrom. Support for this amendment can be found in at least paragraph [0020] of the specification.

Applicants respectfully submit that this amendment to Claim 21 does not necessitate a new search because the finger feature of Applicants' invention was first presented in at least original Claim 4 which currently stands allowed.

The Paxton ('480) reference discloses a ram 48 (page 2, lines 22-23) that is used to push pulp into tube 47 (page 2, lines 61-68). The Paxton ('480) reference

appears to be silent on the details of ram 48. However, as shown in Fig. 3, ram 48 does not appear to include any fingers. As such, it cannot be said that the Paxton ('480) reference discloses a moveable plunger including a plurality of fingers extending therefrom. Accordingly, reconsideration and withdrawal of the 35 U.S.C. §102 rejection of Claim 21 is respectfully requested.

Claim Rejections – 35 U.S.C. § 103

Claims 1-3, 14, 15, 19, and 28 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the Paxton ('480) reference in view of the Walkup et al. ('367) reference.

Claims 1-3, 14, 16-18, 20, and 28 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the Lee ('466) reference in view of the Walkup et al. ('367) reference.

Claim 1 has been amended to more clearly describe that the moveable plunger includes a plurality of fingers extending therefrom. Support for this amendment can be found in at least paragraph [0020] of the specification.

Applicants respectfully submit that this amendment to Claim 21 does not necessitate a new search because the finger feature of Applicants' invention was first presented in at least original Claim 4 which currently stands allowed.

As described above with reference to Claim 21, the Paxton ('480) reference does not disclose a moveable plunger including a plurality of fingers extending therefrom.

The Walkup et al. ('367) reference discloses a lower plate 11 that is elevated to raise a platen 18 into engagement with another platen 14 (col. 5, lines 27 and 30-34). The Walkup et al. ('367) reference appears to be silent on the details of plate 11. However, as shown in Fig. 9, plate 11 does not appear to include any fingers.

As such, it cannot be said that the Paxton ('480) reference in combination with the Walkup et al. ('367) reference discloses a moveable plunger including a plurality of fingers extending therefrom. Accordingly, reconsideration and withdrawal of the 35 U.S.C. §103 rejection of Claim 1 is respectfully requested.

Claims 2, 3, 14, 15, 19, and 28 depending from claim 1 are considered patentable for at least the same reasons set forth above which state a basis for the allowance of claim 1.

The Lee ('466) reference discloses a plate L that operates to compress shredded paper in compartment A1 (Fig. 1; col. 5, lines 37-40 and 49-58). The Lee ('466) reference appears to be silent on the details of plate L. However, as shown in Fig. 1, plate L does not appear to include any fingers.

As described above with reference to Claim 1, the Walkup et al. ('367) reference does not disclose a moveable plunger including a plurality of fingers extending therefrom.

As such, it cannot be said that the Lee ('466) reference in combination with the Walkup et al. ('367) reference discloses a moveable plunger including a plurality of fingers extending therefrom. Accordingly, reconsideration and withdrawal of the 35 U.S.C. §103 rejection of Claim 1 is respectfully requested.

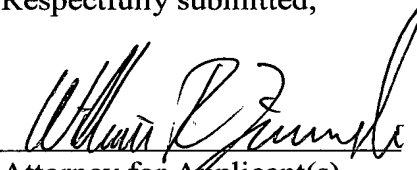
Claims 2, 3, 14, 16-18, 20, and 28 depending from claim 1 are considered patentable for at least the same reasons set forth above which state a basis for the allowance of claim 1.

CONCLUSION

It is respectfully submitted that, in view of the above amendments and remarks, this application is now in condition for allowance, prompt notice of which is earnestly solicited.

The Examiner is invited to call the undersigned in the event that a phone interview will expedite prosecution of this application towards allowance.

Respectfully submitted,


Attorney for Applicant(s)
Registration No. 45,287

William R. Zimmerli/rgd
Rochester, NY 14650
Telephone: 585-588-2758
Facsimile: 585-477-4646

If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.